

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1022 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgement?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MADHUBEN D/O PRAHLADBHAI SHIVABHAI

Versus

BHUDARBHAI DWARKADAS PATEL

Appearance:

MR AJ PATEL for Petitioners

MR MB GANDHI for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 23/06/2000

ORAL JUDGEMENT

This is a revision application under Section 115 of the C.P.C. The petitioners are the original defendants, against whom the respondents-plaintiffs have filed a suit, being Regular Civil Suit No.468 of 1992, in the Court of Civil Judge (S.D.), Ahmedabad (Rural) at

Mirzapur. The aforesaid suit is for specific performance of an Agreement for Sale as well as for cancellation of sale deed, which was executed by defendant Nos. 1 to 7 in favour of defendant Nos. 8 to 13. The trial court had rejected the application Exhibit 5. However, the appellate court, while deciding Civil Miscellaneous Appeal No.123 of 1995, granted injunction in favour of the original plaintiffs and it was ordered that the status quo may be maintained by the parties during the pendency of the suit. The aforesaid order is challenged in the present C.R.A.

At the time of admission of this C.R.A., this Court had directed the parties to maintain status quo. Therefore, the aforesaid order of status quo is in existence since considerable time. Request is made by both the sides to expedite the suit and there is also consensus between the parties that if the status quo order is maintained during the pendency of the suit, there may not be any prejudice to either side. So, without going into the merits of the C.R.A., I direct that the aforesaid suit, being Regular Civil Suit No.468 of 1992, be expedited and be disposed of by 31st December, 2000 and during the pendency of the civil suit, the status quo granted by this Court should continue. C.R.A. is accordingly disposed of. Rule is discharged, with no order as to costs.

23rd June, 2000 (P.B. Majmudar, J.)

(apj)